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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO.               | CONFIRMATION NO. |
|--|-------------|------------------------|-----------------------------------|------------------|
| 10/720,547   | 11/24/2003  | Christopher M. Osborne | 27735-4                           | 4574             |
| 24256  | 7590        | 06/10/2005             |                                   |                  |
| DINSMORE & SHOHL, LLP<br>1900 CHEMED CENTER<br>255 EAST FIFTH STREET<br>CINCINNATI, OH 45202 |             |                        | EXAMINER<br>PONOMARENKO, NICHOLAS |                  |
|  |             |                        | ART UNIT<br>2834                  | PAPER NUMBER     |

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/720,547

Applicant(s)

OSBORNE, CHRISTOPHER M.

Examiner

Nicholas Ponomarenko

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3 pages</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **“generator ... rotor ... integrated with the engine”, “inverter coupled with a speed regulating system”, “clutch disengage features and controls”, the “speed regulation system”, the “drive wheel”** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim 1, 12 and 20 are generally narrative and indefinite, failing to conform with current U.S. practice, because the language of the claims 1, 12 and 20 do not provide desired clarity and precision, since the scope of the invention sought to be patented cannot be determined from the language of the claim with a reasonable degree of certainty. *In re Wiggins*, 488 F.2d 538, 179 USPQ 421 (CCPA 1973).

In claim 1, words "partially", "at least", "sufficient" are indefinite and do not provide to one of ordinary skill clear understanding of what is really claimed.

Claim 1 recites the limitation "rotor ... integrated with the engine" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "inverter ... condition the electrical power" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "inverter is coupled with a speed regulation system" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 uses word "comprising" which is not proper.

Claim 8 recites the limitation "clutch being operative to selectively disengage" in line 2. There is insufficient antecedent basis for this limitation in the claim.

In claim 9 word "substantially" is indefinite.

Claim 10 recites the limitation "drive wheel ... driven by an electric motor" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "immobilizing device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

In claim 12, words "partially", "at least", "substantially" are indefinite and do not provide to one of ordinary skill clear understanding of what is really claimed.

Claim 12 recites the limitation "generator... integrated with the engine" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "engine is configured to disengage the moving blade". There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "speed regulation system". There is insufficient antecedent basis for this limitation in the claim.

Claim 15 claims an electrical motor without providing any structure to support this claim.

In Claim 16 words "being associated" is indefinite.

In Claim 17 word "is associated" is indefinite.

Claim 18 recites the limitation "immobilizing device". There is insufficient antecedent basis for this limitation in the claim.

In claim 19 words "at least partially integrated" are indefinite.

In claim 20, words "substantially" is indefinite and do not provide to one of ordinary skill clear understanding of what is really claimed.

Claim 20 recites the limitation "an engine speed regulation system". There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "operator indicates an intention to access the receptacle". There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "generator is integral with the engine", which is indefinite.

Claim 22 words "rotor ... partially integrated" are indefinite.

In Claim 23 word "generator is separate from the engine" are indefinite.

Claim 24 uses word "comprising" which is not proper use of this word for dependent claim.

Claims 4, 6, 7 and 13 are indefinite because they depend on the rejected claim and do not correct the noted problem.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. As far as they can be understood, Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steel (US 4,870,811) and further in view of Frank (US 6,181,019) or Kern et al. (US 5,504,417).

Steel teaches gasoline powered electrical lawn mower, which provides electrical power for electrical tools from its receptacle, essentially as in applicant(s), but he fails to teach an inverter and control system for regulating generator voltage.

It is well known in the art how to regulate power output of the generator, as is shown by Frank or Kern et al.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a lawn mower as taught by Steel and to add inverter and power regulation as taught by Frank or Kern et al. in order to have better voltage regulation and modern controls.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant(s) disclosure.

7. When the claims are amended, applicant(s) should state in detail where in the original disclosure or in the drawings the amended features find support. **No new matter may be introduced.**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Ponomarenko whose telephone number is (571) 272- 2033, Fax: (571) 273-2033, or to his SPE Darren Schuberg – (571) 272-2044.

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9. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2800 Customer Service  
Phone: (571) 272-2815

np  
June 6, 2005

A handwritten signature in black ink, appearing to read 'N. Ponomarenko', with a long horizontal stroke extending to the right.

**Nicholas Ponomarenko**  
**Primary Examiner**  
**Technology Center 2800**